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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 LLC,  
 Debtor.

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

**NOTICE OF HEARING OF  
 DEBTOR'S MOTION TO RETURN  
 INVESTOR FUNDS HELD IN  
 ESCROW  
 (AFFECTS USA COMMERCIAL  
 MORTGAGE COMPANY)**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Date: December 19, 2006  
 Time: 9:30 a.m.

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NOTICE IS HEREBY GIVEN that USA Commercial Mortgage Company ("USACM"), by and through its counsel, has filed a Debtor's Motion To Return Investor Funds Held In Escrow (the "Motion"). USACM requests an order of this Court: (1) requiring Chicago Title Company to promptly release the \$250,000 it is holding in escrow relating to the Bundy Canyon \$7.5 Million Loan back to USACM; (2) authorizing USACM to promptly return the \$250,000 to the Two Investors by returning \$200,000 to Berry and \$50,000 to Bonzo/Rodriguez; (3) ordering that the Third Amendment to Deed of Trust, a copy of which is attached to the Allison Declaration as Exhibit D be cancelled in its entirety and be void and of no further force and effect; (4) authorizing a copy of such order (or such other document as may be required) to be recorded in the real property records of Riverside County, California to effectuate the cancellation of the Third Amendment to Deed of Trust; and (5) granting such other legal and/or equitable relief as is just and proper.

Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

Local Rule 9014(d)(1): "Oppositions to a motion must be filed and service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than fifteen (15) days' notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule."

If you object to the relief requested, you *must* file a WRITTEN response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

1 A copy of the Motion may be obtained by accessing BMC Group, Inc.'s website at  
2 [www.bmcgroup.com/usacmc](http://www.bmcgroup.com/usacmc), by accessing PACER through the United States Bankruptcy Court  
3 website for Nevada at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov), by contacting BMC Group at telephone: (888) 909-  
4 0100, or by contacting the office of the Debtor's counsel, Schwartzer & McPherson Law Firm,  
5 telephone: (702) 228-7590 or fax: (702) 892-0122

6 NOTICE IS FURTHER GIVEN that the hearing on the Motion may be continued without  
7 further notice.

8 NOTICE IS FURTHER GIVEN that the hearing on the Motion will be held before a  
9 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South,  
10 3<sup>rd</sup> Floor, Las Vegas, Nevada on December 19, 2006 at 9:30 a.m.

11 Respectfully submitted this 20<sup>th</sup> day of November, 2006.

12  
13 /s/ Jeanette E. McPherson

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